REMARKS

In the Final Office Action, dated November 17 2006, Claims 1-28 were once again rejected. Claims 1-28 were rejected under 35 U.S.C. §103(a) as being unpatentable over Pinsky et al. (U.S. Patent No. 5,513,101), "Fundamentals of Radiology CD-ROM from the Radiology Department of Dalhousie University" by Cupido Daniels ("Cupido") and further in view of Evans (U.S. Patent No. 5,924.074). Applicant discussed these rejections with the examiners in the Conference Call, and applicant respectfully traverses this rejection with respect to Claims 1-28, as amended, in view of the following arguments.

Based on the Conference Call with the examiners, the examiners' rejection of Claims 1-28 is based primarily on the disclosure in Evans of the multi-purpose "patient chart window" shown in FIG. 5.

As discussed with the examiners, the applicant submits that Evans does not teach or disclose the "master folder" element of the present invention designed specifically for use by radiologists and radiology departments to view current radiology procedures and images in various formats and modalities and to render real-time diagnosis by making reports over a computer network. Rather, Evans discloses a multi-purpose "patient chart window" interface for use with an electronic medical records ("EMR") system for use by primary care physicians to access historical medical data relating to patients stored in a "patient data repository". The "patient data repository" serves as a central database for storage of all patient medical data, including x-ray images, and such patient records may be retrieved from the patient data repository in connection with a patient's scheduled appointment with a primary care physician. (See Col. 5, ll. 1-55). With respect to x-ray and radiology images, Evans serves as a records keeping and retrieval system for access and review by a primary care physician. (See FIG. 8).

Although Evans discloses the capability of viewing radiology images as shown in FIG. 8, such images are historically stored images retrieved from the patient data repository. For example, as shown in FIG. 8, the radiology image being viewed is a historical radiological image (apparently created on February 14, 1994). (See Reference 182). Evans further discloses the storage of all data, including the x-ray and radiology images, relating to a patient in a patient record data structure 201 in the patient data repository as further shown in FIG. 14. As shown in FIG. 12, the system in Evans may also include a cache for the temporary storage of such data in addition to a data archive for the long term storage of data. (See Col. 9; ll. 15-37). Thus, the primary care physician uses the "patient chart window" interface of Evans to access and review x-rays and radiology images as stored data (whether in a temporary cache or permanent data repository). The primary care physician does not have the capability using the system of Evans to view current (rather than stored) radiological images directly on a real-time basis as such images are created in the various modalities through the applicable radiology procedure such as computer radiology, computer tomography, ultrasound, nuclear medicine and magnetic resonance images.

In contrast, the present invention relates to a method and system that is capable of use by radiologists and radiology departments to view current radiology procedures and images on a real-time basis and in various formats and modalities for the purposes of using such procedures and images to render instantaneous diagnosis. The "master folder" element of the present invention permits the radiologist user to view such images on a real-time basis from the current radiology procedure while making a diagnosis. (See Abstract, ll. 7-10). For example, the user may use the images from the current procedure to compare them to specific images from prior procedures. (See Abstract, ll. 7-10, Original Claims 29, 30 and 31). By double clicking on various hyperlinks, the radiologist is able to view such actual radiology images on a real-time

basis as such images are generated by a current radiology procedure directly as such procedure is being performed. (See Specification, Paragraph 0030; FIGS. 4 and 5). The radiologist may enter a diagnosis based on such current images to make an instantaneous diagnosis in text form in a report display area. (See Specification, Paragraph 0028). As further shown in FIGS. 5 through 13, the radiologist may view the images on a real-time basis in various modalities and groupings as desired. For example, FIG. 9 shows a "current PA" image and a "current lateral" image for the patient. Thus, the present invention is distinguishable from the method and system disclosed in Evans.

Claims 1, 15, 16 and 17 have been further amended to further recite that the present invention permits diagnosis based on current radiology images, and such amendments are supported by the specification and the original claims.

Accordingly, applicant respectfully submits that Claims 1-28, as amended, are patentable over Pinsky, Cupido and Evans either alone or in combination and the rejections under 35 U.S.C. §103(a) should be withdrawn.

CONCLUSION

Favorable action and allowance of the application as now presented is respectfully requested.

Respectfully submitted,

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